

REMARKS/ARGUMENTS

Amendments

The claims are not amended herein. No claims have been added or canceled. Therefore, claims 1-21 remain present for examination. Applicant respectfully requests that the application be reconsidered and the rejections withdrawn.

35 U.S.C. §112 Rejection, First Paragraph

Claim 19 is rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. The Office Action contends that the claims contain subject matter which was not described in the specification in such a way as to enable one skilled in the art to make or use the invention. More specifically, the Office Action cites the claim element reciting "discontinuing the recording of the first segment if the user request is not detected before a period expires, wherein the period is less than a duration of the program" as not being described. The Applicants respectfully argue that the detailed description of the pending application does in fact provide an enabling disclosure of the claimed subject matter.

Among possible other locations, this element is described in the detailed description on page 17, lines 8-20 describing ways in which a user may request or select content, page 19, line 17 - page 20, line 24 describing saving an initial segment equal to the stagger time between program start times (i.e., less than the duration of the program), and page 30, line 5 - page 34, line 15 describing discontinuing the recording of a first segment (i.e., the unselected channels) when the channel is not selected by the end of the first segment. So, the selected channel is recorded beyond the first segment but recording of the channels that are not selected is discontinued.

35 U.S.C. §102 Rejection, Arsenault et al.

The Office Action has rejected claims 1-21 under 35 U.S.C. §102(e) as being anticipated by the cited portions of U.S. Patent No. 6,701,528 of Arsenault et al. (hereinafter "Arsenault"). As argued previously, Applicants believe Arsenault is not prior art as it was filed January 26, 2000. Provisional Patent No. 60/163,324 (the "Parent Application"), filed on November 3, 1999, is in the priority claim for the present application.

Among possible other locations, the claims are supported in the Parent Application on page 11, line 23 through page 13, line 19; in Figures 9 and 10; and claim 5. For example, the description beginning on page 11 at line 23 discloses recording initial segments of a program available on different channels. The segments size is about equal to the stagger time between program start times on the different channels. These segments are recorded before input from the user. Once user input selecting one of the channels is detected, the selected program is recorded. Therefore, Applicants maintain that the subject matter of the claims is in fact disclosed in the Parent Application that predates Arsenault. As such, Arsenault cannot be prior art against the pending claims.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

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Amdt. dated August 5, 2005
Amendment under 37 CFR 1.116 Expedited Procedure
Examining Group 2143

PATENT

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,



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